

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH H. BEATON,

Plaintiff,

v.

JPMORGAN CHASE BANK N.A.,
NORTHWEST TRUSTEE SERVICES, INC.

Defendant.

NO. 11-CV-0872-RAJ

**DECLARATION OF BARBARA
L. BOLLERO IN SUPPORT OF
DEFENDANT CHASE'S REPLY
TO PLAINTIFF'S RESPONSE IN
OPPOSITION TO CHASE'S FRCP
12(b)(6) MOTION TO DISMISS
PLAINTIFF'S [FIRST] AMENDED
COMPLAINT FOR DAMAGES**

RE-NOTED DATE: February 10, 2012

I, Barbara L. Bollero, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all the Courts of the State of Washington, and am one of the attorneys of record herein for Defendant JPMorgan Chase Bank, N.A. ("Chase"). I have personal knowledge of the facts attested herein and, if called to testify to them, could and would do so competently.

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2. On or about October 7, 2011, at the same time as she filed her [First] Amended Complaint [Dkt. 34], Ms. Beaton also filed a pleading captioned “Plaintiff’s **Proposed** Plan for Discovery and Depositions” [Dkt. 35 (emphasis in original)]. The first sentence of the pleading states, “Plaintiff hereby submits the following *proposal for the substance of the discovery and depositions* as required by the Court’s order and FRCP 26f.” (Emphasis supplied.) The document does not specify a reasonable time, place, and manner for any document inspection, as required by Fed. R. Civ. P. 34(b)(1)(B).

3. On receipt and after brief review of the pleading when it was initially served in October of 2011, I understood that it was a statement, as captioned and referenced therein, of Plaintiff’s intended future discovery plan under Fed. R. Civ. P. 26(f)(3), and was not itself intended to serve as written discovery propounded to Chase. Accordingly, I did not prepare Chase’s responses to “Plaintiff’s **Proposed** Plan for Discovery and Depositions” [Dkt. 35 (emphasis in original)].

4. On February 6, 2012, immediately after reviewing Plaintiff’s Opposition pleading [Dkt. 46], I left a voicemail message for Heidi Buck, counsel for Chase’s co-Defendant, Northwest Trustee Services, Inc., inquiring whether she understood and/or believed that Plaintiff had propounded discovery to her client and Chase. I spoke by telephone with Ms. Buck shortly thereafter. In that conversation she advised me that she, too, had independently formed the same understanding that “Plaintiff’s **Proposed** Plan for Discovery and Depositions” did not constitute discovery propounded by Plaintiff to her client and Chase.

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